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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/285,879	04/07/1999	YOSHIFUSA TOGAWA	614.1957	4256

21171 7590 08/13/2004  
**STAAS & HALSEY LLP**  
 SUITE 700  
 1201 NEW YORK AVENUE, N.W.  
 WASHINGTON, DC 20005

EXAMINER

THAI, XUAN MARIAN

ART UNIT	PAPER NUMBER
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2111

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 09/285,879	<b>Applicant(s)</b> TOGAWA, YOSHIFUSA	
	<b>Examiner</b> XUAN M. THAI	<b>Art Unit</b> 2111	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16, 19-34 and 37-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 38-41 is/are allowed.
- 6) ☒ Claim(s) 1-16 and 19-34 is/are rejected.
- 7) ☒ Claim(s) 37 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/7/1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This is in response to RCE filed on July 22, 2004. Claims 37-41 were added. Claims 1-16, 19-34 and 37-41 are now pending in the instant application.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-16 and 19-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Hernandez et al. (USPN 5,752,050; hereinafter Hernandez).

As per claims 1, 4, 6, 9, 11, 14, 19, 22, 24, 27, 29, and 32, Hernandez discloses the claimed invention including an information processing apparatus to drive a plurality of driving units according to data to be processed, comprising: a detection unit (e.g. event filter 11; col. 3, lines 18-25) to detect a type of data to be processed; a plurality of power control units (e.g. pm

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handlers 17; fig. 1), each of which to control a corresponding driving means (15; fig. 1; cols. 3-4) according to the type of data to be processed; wherein the plurality of driving means (e.g. 15) "is not included in a processor" (col. 1, lines 7-20; see also cols. 4-8 for software).

As per claims 2, 5, 7, 10, 12, 15, 20, 23, 25, 28, 30, and 33, Hernandez discloses each of the plurality of power control units (e.g. PM handlers 17) that controls a power source which supplies power to the plurality of driving units [e.g. col. 2, lines 60-67; col. 3, lines 40-65].

As per claims 3, 8, 13, 16, 21, 26, 31 and 34, Hernandez discloses wherein the power control unit supplies power to each of the plurality of driving units that can process the data to be processed, and stopping a supply of power to each of the functional units that cannot process (functional units not currently being used) the data to be processed (e.g. col. 3, lines 65 et seq. bridging col. 4, lines 1-67).

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-16 and 19-34 have been considered but are deemed not to be persuasive. Applicants argued that Hernandez only discusses that various system components are powered down based on user or system inactivity, which is different from claim 1 which recites "detecting a type of data to be processed" and controlling "a corresponding one of the plurality of driving means according to the type of data to be processed." Further, in Hernandez, each PM handler 17 controls a device driver 15 based on a received power event. Contrary to Applicants' assertions, Hernandez discloses event manager which track (detect) [col. 3, lines 33-35] events (data to be processed) and distributes events to

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proper destinations as needed. The events (data to be processed) are processed by the PM handler 17 [col. 3, lines 42-43]. The PM handler 17 processes the event passed on to it from the event manager and determines whether the event received should effect its coupled device's power state [col. 3, lines 55-57]. Therefore, Hernandez clearly met the claimed limitations of "detecting a type of data to be processed" and controlling "corresponding one of the plurality of driving means according to the type of data to be processed." Hence, the arguments are deemed not to be persuasive. Applicants stated that the CPU 101 detects the type of the data of the file and writes the values to the power on/off flag 149 and the suspend/resume flag 150 in the register 148 according to the type of data of the file. Such limitation is not found in the claim. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

***Allowable Subject Matter***

5. Claim 37 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. Claims 38-41 are allowed.
7. The claims are allowed for the following reasons:
8. As per claims 37-41, the prior art do not teach or make obvious the combination of a storage unit which stores a plurality of types of data, the types of data correlated with at least one of the driving units in a power saving mode table stored by the storage unit; a processor detects

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the types of data correlated with the driving units; and a plurality of power control units, at least one of which controls the one of the driving units according to the detected one of the types of data read from the power saving mode table.

### **Conclusion**

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to XUAN M. THAI whose telephone number is 703-308-2064. The examiner can normally be reached on Monday to Friday from 8:30 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on 703-305-4815. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



XUAN M. THAI  
Primary Examiner  
Art Unit 2111

XMT